

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Alan Doane, on April 4, 2017 at 8:00 AM, in Room 137 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Alan Doane, Chair (R)  
Rep. Seth Berglee, Vice Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Laurie Bishop (D)  
Rep. Bob Brown (R)  
Rep. Bill Harris (R)  
Rep. Ellie Hill Smith (D)  
Rep. Kathy Kelker (D)  
Rep. Casey Knudsen (R)  
Rep. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. Dale Mortensen (R)  
Rep. Zac Perry (D)  
Rep. Matt Regier (R)  
Rep. Lola Sheldon-Galloway (R)  
Rep. Barry Usher (R)  
Rep. Kirk Wagoner (R)

**Members Excused:**

Rep. Jennifer Eck (D)  
Rep. Shane A. Morigeau (D)

**Members Absent:** None

**Staff Present:** Sydney Kessel, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 123, SB 192, SB 249 & SB 258

Executive Action: SB 200, SB 71, SB 293, SB 145, SB 300, SB 195 & SB 21

**HEARING ON SB 192****Opening Statement by Sponsor:**

00:01:22 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 192, Generally revise civil procedure laws.

**Proponents' Testimony:**

00:03:01 Gregory Mohr, Montana Magistrate Association (MMA)

**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:03:31 Rep. Regier

00:03:42 Sen. Swandal

00:04:16 Rep. Usher

00:04:48 Gregory Mohr, MMA

00:05:08 Rep. Usher

**Closing by Sponsor:**

00:05:21 Sen. Swandal

00:05:53 Recess

00:10:07 Reconvene with Rep. Morigeau present

**HEARING ON SB 123****Opening Statement by Sponsor:**

00:10:24 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 123, Revise marriage license laws to allow nonresidents to get licenses in any county.

**Proponents' Testimony:**

00:11:38 Shirley Faust, Clerks of District Court

**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:13:55 Rep. McConnell

00:14:06 Rep. Court

00:14:35 Sen. Swandal

00:14:51 Shirley Faust, CDC

00:15:03 Rep. Usher

00:15:25 Shirley Faust, CDC

00:15:41 Rep. Usher

00:16:07 Shirley Faust, CDC

00:16:49 Rep. Usher

00:17:12 Sen. Swandal

00:17:28 Rep. Sheldon-Galloway

00:18:02 Shirley Faust, CDC

**Closing by Sponsor:**

00:19:05 Sen. Swandal

**HEARING ON SB 249**

**Opening Statement by Sponsor:**

00:19:51 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 249, Generally revise criminal laws regarding testimony from accomplices/informants.

[EXHIBIT\(juh70a01\)](#)

**Proponents' Testimony:**

00:26:40 Abigail St. Lawrence, Montana Innocence Project (MIP)

[EXHIBIT\(juh70a02\)](#)

00:30:35 Cody Marble, Self

[EXHIBIT\(juh70a03\)](#)

00:34:17 Beth Brenneman, Disability Rights Montana (DRM)

00:36:29 Laurel Hesse, American Civil Liberties Union (ACLU)

**Opponents' Testimony:**

00:36:57 Dave Galt, Montana Sheriffs and Peace Officer Association (MSPOA)

00:41:10 Brent Light, Montana Attorney Generals Office (MAGO)

00:42:20 Brad Gremaux, DCI

00:42:59 Mark Murphy, Montana Association Chief of Police (MACP)

**Informational Testimony:**

00:44:22 Scott Vongehr, Self

00:50:34 Matthew Slayton, Self

**Questions from Committee Members and Responses:**

00:51:59 Rep. McConnell

00:52:42 Sen. Swandal

00:56:41 Rep. McConnell

00:57:03 Sen. Swandal

00:57:53 Rep. McConnell

00:58:08 Sen. Swandal

00:58:23 Rep. Hill Smith

00:59:23 Sen. Swandal

01:00:38 Rep. Hill Smith

01:01:04 Rep. Manzella

01:02:12 Dave Galt, MSPOA

01:02:59 Rep. Manzella

01:03:13 Dave Galt, MSPOA

01:03:56 Rep. Usher

01:04:52 Matthew Slayton, Self

01:05:00 Rep. Usher

01:05:22 Matthew Usher, Self

01:06:00 Rep. Usher

01:06:22 Matthew Slayton, Self

01:07:08 Rep. Usher

01:07:49 Matthew Slayton, Self

**Closing by Sponsor:**

01:08:11 Sen. Swandal

01:09:54 Chair Doane

**HEARING ON SB 258**

**Opening Statement by Sponsor:**

01:11:11 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 258, Provide a procedure for electronically issued search warrants.

[EXHIBIT\(juh70a04\)](#)

**Proponents' Testimony:**

01:13:19 Mark Murphy, Montana Attorneys Association, (MAA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:14:42 Sen. Swandal

**Committee Business:**

01:15:01 Chair Doane

01:18:04 Recess

01:19:00 Reconvene

**EXECUTIVE ACTION ON SB 200**

01:50:49 **Motion:** Rep. Berglee moved that **SB 200 BE CONCURRED IN.**

01:50:59 **Vote:** Motion carried 16-3 by roll call vote with Rep. B. Brown, Rep. Manzella and Rep. Usher voting no. Rep. Eck voted by proxy. Rep. Sheldon-Galloway will carry the bill.

01:52:37 Helen Thigpen, LSD

**EXECUTIVE ACTION ON SB 71**

01:53:38 **Motion:** Rep. Court moved that **SB 71 BE CONCURRED IN.**

01:53:48 **Motion/Vote:** Rep. Court moved that **SB 71 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Doane and Rep. Eck voted by proxy.

[EXHIBIT\(juh70a05\)](#)

01:54:23 **Motion/Vote:** Rep. Court moved that **SB 71 BE CONCURRED IN AS AMENDED**. Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Doane and Rep. Eck voted by proxy.

01:55:31 **Motion/Vote:** Rep. Court moved that **SB 71 BE TABLED**. Motion carried unanimously by voice vote.

#### **EXECUTIVE ACTION ON SB 293**

01:55:57 **Motion/Vote:** Rep. Court moved that **SB 293 BE CONCURRED IN**. Motion carried 17-2 by roll call vote with Rep. Hill Smith and Rep. McConnell voting no. Rep. Doane and Rep. Eck voted by proxy. Rep. Manzella will carry the bill.

#### **EXECUTIVE ACTION ON SB 145**

01:58:06 **Motion:** Rep. Court moved that **SB 145 BE CONCURRED IN**.

01:58:27 **Motion:** Rep. Kelker moved that **SB 145 BE AMENDED**.  
[EXHIBIT\(juh70a06\)](#)

#### **Discussion:**

01:58:42 Helen Thigpen, LSD  
01:59:41 Rep. Kelker  
02:01:26 Rep. Mortensen  
02:02:07 Rep. Harris  
02:03:53 Rep. Wagoner  
02:04:10 Rep. Hill Smith  
02:04:35 Helen Thigpen, LSD

02:05:55 **Vote:** Motion failed 6-13 by roll call vote with Rep. Court, Rep. Eck, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Doane and Rep. Eck voted by proxy.

02:06:07 **Motion:** Rep. C. Knudsen moved that **SB 145 BE AMENDED**.  
[EXHIBIT\(juh70a07\)](#)

#### **Discussion:**

02:06:09 Rep. Bishop  
02:06:19 Helen Thigpen, LSD

02:07:01 **Vote:** Motion carried unanimously by voice vote. Rep. Doane and Rep. Eck voted by proxy.

02:07:25 **Motion/Vote:** Rep. Court moved that **SB 145 BE CONCURRED IN AS AMENDED**. Motion carried 16-3 by voice vote with Rep. Doane, Rep. M. Regier and Rep. Sheldon-Galloway voting no. Rep. Doane and Rep. Eck voted by proxy. Rep. Kelker will carry the bill.

**EXECUTIVE ACTION ON SB 300**

02:09:07 **Motion:** Rep. Court moved that **SB 300 BE CONCURRED IN.**

**Discussion:**

02:09:38 Helen Thigpen, LSD

02:10:11 **Motion/Vote:** Rep. Court moved that **SB 300 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Doane and Rep. Eck voted by proxy.

**EXHIBIT(juh70a08)**

02:10:49 **Motion:** Rep. Court moved that **SB 300 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:10:55 Rep. Harris

02:11:04 Helen Thigpen, LSD

02:11:35 **Substitute Motion/Vote:** Rep. Harris made a substitute motion that **SB 300 BE TABLED.** Substitute Motion carried 15-4 by voice vote with Rep. Eck, Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voting no. Rep. Doane and Rep. Eck voted by proxy.

**EXECUTIVE ACTION ON SB 195**

02:12:41 **Motion:** Rep. Court moved that **SB 195 BE CONCURRED IN.**

**Discussion:**

02:13:01 Helen Thigpen, LSD

02:13:22 **Substitute Motion/Vote:** Rep. Usher made a substitute motion that **SB 195 BE TABLED.** Substitute Motion carried 18-1 by roll call vote with Rep. Court voting no. Rep. Eck voted by proxy.

**EXECUTIVE ACTION ON SB 21**

02:14:41 **Motion:** Rep. Court moved that **SB 21 BE CONCURRED IN.**

**Discussion:**

02:14:46 Helen Thigpen, LSD

02:15:09 **Vote:** Motion carried unanimously by voice vote. Rep. Eck voted by proxy. Rep. Wagoner will carry the bill.

**ADJOURNMENT**

Adjournment: 02:15:48

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Sydney Kessel, Secretary

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Additional Documents:

**EXHIBIT([juh70aad.pdf](#))**